

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARNELL HUNNICUTT, SR., §
and on behalf of all those §
similarly situated, §
§
Plaintiffs, §
§
v. § No. 2:20-cv-00206-MV-CG
§
§
DANIEL PETERS, WILLIAM EDGMAN, §
ESTEVAN FLORES, K.D. MILLER, §
JODI URSHAW, JOSHUA SIGALA, §
ASTRID CASTILLO, MARY WILLIAMS, §
SUMMIT FOOD SERVICES, §
GERMAN FRANCO, ADAM WHITEFIELD, §
WARDEN MARTINEZ, JOHN GAY, §
NEW MEXICO CORRECTIONS §
DEPARTMENT, and SOUTHERN NEW MEXICO §
CORRECTIONAL FACILITY,
§
Defendants.

DEFENDANT SUMMIT FOOD SERVICES' MOTION FOR SUMMARY JUDGMENT

Defendant Summit Food Services ("Summit"), by and through its counsel of record, Resnick & Louis, P.C. (Harriett J. Hickman, Esq.), pursuant to Fed. R. Civ. P. 56, submits its Motion for Summary Judgment as follows:

I. Introduction

Plaintiff, Carnell Hunnicutt, is an inmate at the Southern New Mexico Correctional Facility. In his Complaint with Jury Demand (Doc. No. 3), Plaintiff alleges that he is being deprived of a proper Kosher diet in violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), the New Mexico Religious Freedom Restoration Act (NMRFRA), the First Amendment free exercise of religion, equal protection, and 42 U.S.C. § 1983.

Plaintiff alleges that his diet is not prepared according to Jewish dietary law, his diet is nutritionally insufficient, and he is forced to violate the Sabbath or not eat on the Sabbath. He also claims his diet is monotonous, and he is not provided enough meat. Plaintiff seeks to have his Kosher diet conform more closely to the food served to the general population. He wants the same variety of foods offered to other inmates, including more hot meals and the same foods served with holiday meals, but Kosher. Plaintiff does not like the variety of foods available to him.

Plaintiff fails to present any evidence that Summit has substantially burdened his religious exercise of following a Kosher diet. Summit provides Plaintiff with a nutritionally sufficient Kosher diet that meets Jewish dietary law. Plaintiff's religious dietary practice is not substantially burdened simply because he is not satisfied with his Kosher meals. Thus, Summit requests summary judgment in this matter and dismissal of Plaintiff's Complaint against it with prejudice.

II. Statement of Undisputed Material Facts¹

1. Plaintiff, Carnell Hunnicutt, is an inmate at the Southern New Mexico Correctional Facility. (Complaint, ¶ 3) He has been at the facility since June 28, 2018. (*Id.*, ¶ 17)
2. Plaintiff claims to be a "practitioner of the Judaic faith." His request for a Kosher diet was granted, and he is provided a Kosher diet at the facility. (*Id.*, ¶ 18)
3. Summit has a Food Services Contract with the State of New Mexico General Services Department to provide on-site dietary operations at the facility to include meal preparation and serving meals. (**Exhibit 1**, Affidavit and "Martinez" Investigative Report of Michael Mays) Summit trains the kitchen staff and inmates assigned to the kitchen facility. (*Id.*) The New

¹ For purposes of this Motion, Summit assumes that Plaintiff has exhausted his administrative remedies to pursue his claims.

Mexico Corrections Department is responsible for furnishing food service facilities/kitchen and the equipment in the kitchen. (*Id.*)

4. Summit's policies and procedures include a Common Fare Diet. (**Exhibit 1** and **Exhibit 1A**, The Common Fare Diet) The Common Fare Diet is provided for inmates that follow various religious dietary laws whose needs cannot be met by the standard menu. The Common Fare diet covers Kosher, Halal, Muslim, and vegetarian-based religious diets. The diet must be prepared in a Kosher manner and use all Kosher certified products in order to meet Jewish Dietary Law, however, this is still acceptable for other religions. (*Id.*)

5. The Common Fare Diet Operational Procedures provide that all food items must have Kosher certification and any foods prepared in the kitchen for the Common Fare Diet will utilize cookware and utensils that are stored separately and are washed, rinsed, and sanitized separately. The procedures also include Directions for Implementation of Kosher foods. (*Id.*)

6. There is not a culinary arts training program at the facility. Such a program would not provide training for the Common Fare Diet or any other religious diet. However, inmates who work in the kitchen as religious cooks are trained on preparing Kosher and Halal meals and are trained to follow the Common Fare Diet. As indicated in the Common Fare Diet, the training follows Jewish Dietary Law, even for Halal meals, which is stricter than other diets. The training includes instructions to keep meat and dairy products separate, to thoroughly clean their working area and to thoroughly wash all pans and utensils before using them. (**Exhibit 1**)

7. As set forth in the Common Fare Diet, the religious cooks trained to prepare the Common Fare Diet are trained to thoroughly clean their working area and to thoroughly wash, rinse and sanitize all pans and utensils before using them. Summit recently purchased new utensils, and the State recently purchased new cookware. Summit has designated the new utensils and

cookware as Kosher as set forth in the Common Fare Diet. The State will be providing Summit with a separate storage area for the Kosher utensils and cookware. The religious cooks have their own separate designated area in the kitchen to prepare and cook meals. (*Id.*)

8. Plaintiff is a religious cook trained to work in the kitchen and to prepare the Common Fare Diet for Kosher and Halal meals. He has worked in the kitchen off and on depending on his level in the facility. Plaintiff has been working in the kitchen for approximately the last three (3) months. (*Id.*)

9. For Kosher diets, Summit follows a Halal diet that is compliant with Kosher dietary restrictions for breakfast and lunch. As required by the Common Fare Diet, the menu follows Kosher guidelines. Kosher and Halal diets are similar in that both have restricted foods such as pork and meat from specific animals and animal parts. (*Id.*)

10. As demonstrated on the Halal Diet five-week Menu for the facility for 2021, Plaintiff's breakfast and lunch menus consist of food items that are Kosher compliant such as cold and hot cereal, eggs, peanut butter, muffins, cinnamon raisin rolls, carrots, celery, cheese, tuna, and cookies. (**Exhibit 1 and 1B**, Halal Diet five-week menu for 2021)

11. Plaintiff and one other Muslim inmate are religious cooks trained to prepare both Kosher and Halal breakfasts and lunches. They have their own separate designated area in the kitchen to prepare and cook meals. As indicated in the five-week menu (**Exhibit 1B**), breakfast and lunch may include hot cereal such as oatmeal, boiled eggs, and cinnamon raisin rolls. Plaintiff and the other inmate prepare and cook these food items separately from the non-Common Fare diets.

(Exhibit 1)

12. Jewish dietary law does not prohibit a non-Jew from preparing Plaintiff's meals. The traditional rule was instituted by the rabbis to prevent intermarriages with non-Jews. (**Exhibit 2**,

Wikipedia, Bishul Yisrael) The law only applies to foods which, according to the Talmud, are “fit for a king’s table” and are not generally eaten raw. (*Id.*) The prohibition was originally decreed in order to avoid a Jew being invited for a meal by a non-Jew which could lead to intermarriage, and people do not invite each other for dinner over food which is not “fit for a King’s table.” (*Id.*) Foods which would not be served at a state dinner are exempt and are Kosher even if cooked totally by non-Jews. (*Id.*)

13. Summit implements a “no-touch diet system.” Only the trained religious cooks touch the Common Fare meals. Since Covid-19, inmates have been eating in their units rather than the mess hall. The trained religious cooks prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays, and they cover the trays with plastic wrap. Common Fare lunch meals are served in a brown paper bag that is stapled closed. All the food items in the bag are individually wrapped by the religious cooks. (*Id.*)

14. In the event that the Common Fare tray is unusually heavy, staff may open the tray to determine if there are prohibited items in the tray. There have been security issues in the past where prohibited or stolen items were placed in the trays. Summit usually asks a religious cook to open the tray, but there may not always be a religious cook available to open the tray. (*Id.*)

15. There have been incidents where there is a lock-down and the trained religious cooks cannot come to the kitchen or when one of the religious cooks does not show up for work. During those times, Summit may have to have another kitchen inmate prepare the Common Fare meals. The inmate will follow the Common Fare Diet procedures and prepare the religious meals in a separate area using separate utensils and cookware. The inmate will also prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays and cover

the trays with plastic wrap. The inmate will serve Common Fare lunch meals in a brown paper bag that is stapled closed with all the food items in the bag individually wrapped. (*Id.*)

16. Plaintiff's dinners are certified Kosher pre-packaged box dinner entrees prepared by "My Own Meals." (**Exhibit 1** and **Exhibit 1C**, "My Own Meals"). "My Own Meals" provides certified Halal and Kosher dinner entrees. "My Own Meals" provides ten meals, and Summit purchases all ten. The vegetarian entrees are dual certified as both Kosher and Halal. The other entrees are certified as either Kosher or Halal, and Summit purchases both. The entrees include Chicken Mediterranean, Chicken and Noodles, Chicken and Black Beans, Beef Stew, Old World Stew, Cheese Tortellini, Vegetarian Stew, Florentine Lasagna and Pasta with Garden Vegetables. (*Id.*) The dinner entrees may be heated up or eaten cold. These boxed meals are packaged in plastic trays and heated in the microwave. (*Id.*)

17. Plaintiff receives his "My Own Meal" dinner in his unit on a Styrofoam tray. Both the box dinner and the tray are wrapped together in plastic wrap. Plaintiff opens the box and heats it in the microwave in his unit. No other inmates or staff touch his entrée. (**Exhibit 1**)

18. For the Kosher and Halal diets, there is one other trained Muslim inmate who prepares side dishes to accompany the "My Own Meals" entrée at dinner. He prepares side dishes such as a salad, fruit cup, cake, pasta, rice, or beans. These items are certified Kosher for both the Kosher and Halal diets. As with Plaintiff at breakfast and lunch, the inmate who prepares the side dishes for dinner does so in a designated area separate from non-Common Fare diets and must thoroughly clean the area, the utensils, and the pans. The side dishes are sent to the inmate's unit on a Styrofoam tray covered with plastic wrap. (*Id.*)

19. The five-week menu cycle for the Kosher and Halal diets at the facility meets the menu planning guidelines for the American Correctional Association and the National Academy of

Science, Food and Nutrition Board. (**Exhibit 1** and **Exhibit 1D**, Summit Nutritional Compliance Statement) The menu cycle provides at least 2800 calories per day which meets the Recommended Dietary Allowances and Dietary Reference Intakes requirements for the adult mixed population, age 19 to 50. (*Id.*)

20. The NetMenu Average Cycle Nutrition Analysis by Diet for Summit: Corrections provides a daily summary of the nutritional analysis of the five-week Halal/Kosher menu cycle. The daily average calorie intake for Plaintiff on his Kosher diet is at least 2800 calories a day. (**Exhibit 1** and **Exhibit 1E**, NetMenu Average Cycle Nutrition Analysis by Diet)

21. The Southern New Mexico Correctional Facility has two facilities or buildings. The larger facility houses inmates that are a Level III or higher. Plaintiff and the other trained religious cooks are housed in the Level III facility. At the present time, Summit is feeding 390 inmates from this larger facility. The other facility is smaller and houses inmates that are a Level II. The Level II facility has a capacity for 330 inmates. At the present time, Summit is feeding 270 inmates from the Level II facility. Summit prepares meals for both facilities in the larger Level III facility kitchen. Between the two facilities, there are only 23 inmates receiving Kosher diets at this time. Summit does not have a separate food service kitchen or separate cooking appliances/equipment for preparing only 23 Kosher diets. (**Exhibit 1**)

22. Beginning on approximately July 23, 2021, the larger kitchen in the Level III facility will be temporarily closed in order to undergo maintenance and repairs. While this work is ongoing, Summit will have to prepare all meals in the Level II facility which has a smaller kitchen. For security purposes, Plaintiff and the other trained religious cooks from the Level III facility will not be allowed to prepare meals in the Level II kitchen. (*Id.*)

23. However, during this temporary maintenance period, Summit will train the inmates who are cooks in the Level II facility to prepare religious meals according to the Common Fare Diet policy and procedures. The Level II kitchen does not have separate Kosher utensils and cookware or separate storage areas for Kosher utensils and cookware. Summit will train the cooks to thoroughly wash and sanitize the utensils and cookware and to prepare the Kosher and religious meals separately from the non-Common Fare Diet meals. (*Id.*)

24. On the Sabbath, an observant Jew is prohibited from working, which includes “igniting a fire.” (Chabad.org, Electricity on Shabbat, **Exhibit 3**). It is forbidden to turn on a stove or microwave for cooking on the Sabbath. (*Id.*) However, there is no restriction from eating foods that are heated or warmed up. For example, observant Jews may use an electric stove or oven to keep food warm provided they follow rules to cover the flame. (*Id.*) Even GE Appliances sells an oven with a “Sabbath Mode” feature that allows the oven to remain on during the Sabbath for heating foods. (GE Appliances, **Exhibit 4**).

25. Plaintiff is not deprived of eating on the Sabbath. He is served his Kosher cold breakfasts and lunches. He may eat his “My Own Meals” certified Kosher pre-packaged box dinners cold or warm. Simply eating a warm or cooked meal is not forbidden on the Sabbath. If Plaintiff wants hot cereal for breakfast or his dinner warm on the Sabbath, he does not have to be the individual to physically turn on the stove or microwave or “ignite a fire.” Another inmate may turn on the stove or microwave for him. (**Exhibit 1** and **Exhibit 5**, Wikipedia “Shabbos goy.”)

III. Standard for Summary Judgment

Summary judgment is appropriate only if the record shows that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48, 106 S. Ct.

2505, 91 L. Ed. 2d 202 (1986). The party moving for summary judgment bears the burden of showing the absence of a genuine issue as to any material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The moving party can meet its burden by "pointing out ... that there is an absence of evidence to support the nonmoving party's claims." *Id.* at 325.

The party opposing the motion must produce evidence to show the existence of every element essential to its case, which it bears the burden of proving at trial, because "a complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial." *Id.* at 323. "[T]he non-moving party 'may not rely merely on allegations or denials in its own pleadings; rather, its response must . . . set out specific facts showing a genuine issue for trial.'" *Picozzi v. Haulderman*, 2011 U.S. Dist. LEXIS 21277, 2011 WL 830331, *2 (M.D. Pa. 2011) (quoting FED. R. CIV. P. 56(e)(2)).

IV. Standard for the Religious Land Use and Institutionalized Persons Act (RLUIPA) and the New Mexico Religious Freedom Restoration Act (NMRFRA).

In his Complaint (Doc. No. 3), Plaintiff claims religious discrimination in violation of the RLUIPA and the NMRFRA. Both Acts contain similar provisions. The RLUIPA provides that no government shall impose a substantial burden on the religious exercise of a person confined to an institution unless the imposition of the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest. *Yellowbear v. Hargett*, 2016 U.S. Dist. LEXIS 193318, *11, 2016 WL 10520959, citing 42 U.S.C. § 2000cc-1(a). The Tenth Circuit has determined that:

... a religious exercise is substantially burdened under the RLUIPA when a government (1) requires participation in an activity prohibited by a sincerely held religious belief, or (2) prevents participation in conduct motivated by a sincerely held religious belief, or (3) places substantial pressure on an adherent either not to engage in conduct motivated by a sincerely held religious belief or to engage in conduct contrary to a sincerely held religious belief, such as where the government presents the plaintiff with a Hobson's

choice—an illusory choice where the only realistically possible course of action trenches on an adherent's sincerely held religious belief.

Yellowbear v. Hargett, supra, at *12, citing *Abdulhaseeb v. Calbone*, 600 F.3d 1301, 1315 (10th Cir. 2010). Plaintiff must, however, demonstrate that the "substantial burden" is more than a mere inconvenience to his religious practice. *Yellowbear v. Hargett, supra*.

Under the RPUILA, the inquiry requires an evaluation under a "compelling governmental interest" standard. While that standard may impose a higher burden, consideration must still be given to prison order and safety as well as costs. The RLUIPA does not elevate accommodation of religious observances over an institution's need to maintain order and safety. An accommodation must be measured so that it does not override other significant interests. The RLUIPA must be applied in an appropriately balanced way, keeping in mind the urgency of discipline, order, safety, and security in penal institutions. *Id.* at *13-14 (internal citations omitted).

Similarly, the RFRA "prohibits a government agency from restricting a person's free exercise of religion unless the restriction is one of general applicability, does not directly discriminate against religion, is essential to furthering a compelling government interest, and its application is the least restrictive means of furthering that interest." *Hunnicutt v. Peters, supra*, at *5 (internal citations omitted). "Free exercise of religion" is defined as "an act or a refusal to act that is substantially motivated by religious belief." *Id.* citing *Elane Photography, LLC v. Willock*, 2013-NMSC-040, 309 P.3d 53.

Among his requested relief, Plaintiff seeks compensatory and punitive damages. Even if Plaintiff overcomes summary judgment in this matter, he is only entitled to equitable relief under RLUIPA—not damages. *McCoy v. Aramark Corr. Servs.*, 2020 U.S. Dist. LEXIS 182860 at n. 3 citing *Hendricks v. Aramark Inc.*, 2015 U.S. Dist. LEXIS 52265, 2015 WL 1809361, at *4 (S.D.

Ohio 2015) and *Sossamon v. Texas*, 563 U.S. 277, 293, "We conclude that States, in accepting federal funding, do not consent to waive their sovereign immunity to private suits for money damages under RLUIPA because no statute expressly and unequivocally includes such a waiver."); *Colvin v. Caruso*, 605 F.3d 282, 289 (6th Cir. 2010) ("[M]onetary damages are not available under RLUIPA."). "Appropriate relief" under RLUIPA is limited to injunctive or declaratory relief. *Nasious v. Robinson*, 2010 U.S. Dist. LEXIS 30498 at *8 citing *Boles v. Neet*, 402 F. Supp.2d 1237, 1241 (D. Colo. 2005).

V. Standard for the Free Exercise of Religion under the First Amendment

Similar to the RLUIPA and the NMRFRA, under the First Amendment, Plaintiff must demonstrate Summit placed a substantial burden on his ability to practice his religion. *Patel v. U.S. Bureau of Prisons*, 515 F.3d 807, 813 (2008) . If there is a substantial burden on Plaintiff's sincerely held religious beliefs, then the next step in a free exercise claim is for Summit to identify the legitimate penological interests that justify the impinging conduct. The Court must apply a balancing test to determine the reasonableness of the regulation. *Williams v. Wilkinson*, 645 Fed.Appx. 692, 704 (2016) citing *Kay v. Bemis*, 500 F.3d 1214, 1218-19 (10th Cir. 2007).

VI. Standard for Equal Protection under the Fourteenth Amendment

To establish an Equal Protection claim, Plaintiff must demonstrate that he was treated differently from other similarly situated inmates and that the "difference in treatment was not 'reasonably related to legitimate penological interests.' " *Cullen v. Hatch, et al*, 2007 WL 9733619 at *2 citing *Fogle v. Pierson*, 435 F.3d 1252, 1261 (10th Cir. 2006) (quoting *Turner v. Safley*, 482 U.S. 78, 89, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987)). To state an equal protection claim, Plaintiff must establish that he was intentionally treated differently from others similarly situated, and there was no rational basis for the difference in treatment. *Blair v. Raemisch*, 804

Fed.Appx. 909, 920 (2020) (internal citation omitted). However, treating all inmates equally does not mean that all inmates must receive identical treatment and resources. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985).

In the Tenth Circuit, “It is hornbook constitutional law that mere negligence or mistake resulting in uneven application of the law is not an equal protection violation.” *Cullen v. Hatch, supra, citing Roe v. Keady*, 329 F.3d 1188, 1191-92 (10th Cir. 2003). In order to sustain an equal protection claim, Plaintiff “must show a ‘discriminatory purpose’ leading to disparate treatment.” *Cullen v. Hatch, supra, citing Roberts v. Champion*, 255 F.Supp.2d 1272, 1290 (D. Okla. 2003) (*citing Pers. Adm'r of Massachusetts v. Feeney*, 442 U.S. 256, 279, 99 S.Ct. 2282, 60 L.Ed.2d 870 (1979)). Isolated incidents that adversely affect Plaintiff are not presumed to be violations of the equal protection clause. *Roberts v. Champion, supra*, 255 F.Supp.2d at 1290. “Negligence or mistake resulting in uneven application of the law is not an equal protection violation.” *Roe v. Keady, supra*, 329 F.3d at 1191-92.

VII. Standard for 42 U.S.C. § 1983 Claims

When a private corporation provides prison services to inmates, the entity should be treated as a municipality. *Cooper v. Dozier*, 2018 U.S. Dist. LEXIS 30354, *7 *citing Buckner v. Toro*, 116 F.3d 450, 452 (11th Cir. 1997). Municipal liability under § 1983 may not be based on the doctrine of respondeat superior. *Grech v. Clayton County*, 335 F.3d 1326, 1329 (internal citations omitted). The municipality is liable only when its "official policy" causes a constitutional violation. *Id.* (internal citations omitted). Plaintiff must identify a municipal policy or custom that caused his injury. *Id.* (internal citations omitted). Since a municipality will rarely have an officially-adopted policy of permitting a particular constitutional violation, Plaintiff must show that Summit has a custom or practice of permitting the violation, and that the

custom or practice is "the 'moving force [behind] the constitutional violation.'" *Id.* at 1330 (internal citations omitted).

VIII. Plaintiff fails to demonstrate that Summit has substantially burdened his religious exercise of following a Kosher diet.

A. Summit provides Plaintiff a Common Fare Diet that complies with Jewish dietary law. Summit provides Plaintiff with a Kosher compliant meal plan. Plaintiff's religious dietary practice is not substantially burdened simply because he is not satisfied with his Kosher meals.

As set forth in the Affidavit of Michael Mays, Summit's Food Services Director at the New Mexico Southern Correctional Facility, Summit's policies and procedures include a Common Fare Diet. (**Exhibit 1 and 1A**) The Common Fare Diet is provided for inmates that follow various religious dietary laws whose needs cannot be met by the standard menu.

The Common Fare Diet covers Kosher, Halal, Muslim, and vegetarian-based religious diets. The diet must be prepared in a Kosher manner and use all Kosher certified products in order to meet Jewish Dietary Law, however, this is still acceptable for other religions. (*Id.*) See *Patel v. U.S. Bureau of Prisons*, *supra* at 810 where the Bureau of Prisons (BOP) decided to serve Kosher meals in the Common Fare plan after reviewing the dietary requirements of various religious faiths. The BOP concluded that a Kosher meal was the strictest diet and subsumed all other religious dietary needs.

The Common Fare Diet Operational Procedures provide that all food items must have Kosher certification and any foods prepared in the kitchen for the Common Fare Diet will utilize cookware and utensils that are stored separately and are washed, rinsed, and sanitized separately. The procedures also include Directions for Implementation of Kosher foods. (*Id.*)

Summit trains religious cooks to follow the Common Fare Diet procedures. There is not a culinary arts training program at the facility. An inmate culinary arts training program is not an exercise of religion. Such a program would not provide training for the Common Fare Diet or any other religious diet. Summit does train inmates who work in the kitchen as religious cooks on preparing Kosher and Halal meals and how to follow the Common Fare Diet. As indicated in the Common Fare Diet, the training follows Jewish Dietary Law, even for Halal meals, which is stricter than other diets. The training includes instructions to keep meat and dairy products separate, to thoroughly clean their working area and to thoroughly wash all pans and utensils before using them. (**Exhibit 1**)

As required by the Common Fare Diet, the religious cooks trained to prepare the Common Fare Diet are trained to thoroughly clean their working area and to thoroughly wash, rinse and sanitize all pans and utensils before using them. Summit recently purchased new utensils, and the State recently purchased new cookware. Summit has designated the new utensils and cookware as Kosher as set forth in the Common Fare Diet. The State will be providing Summit with a separate storage area for Kosher utensils and cookware. The religious cooks have their own separate designated area in the kitchen to prepare and cook meals. (*Id.*)

Plaintiff is a religious cook trained to work in the kitchen and to prepare the Common Fare Diet for Kosher and Halal meals. He has worked in the kitchen off and on depending on his level in the facility. Plaintiff has been working in the kitchen for approximately the last three (3) months. (**Exhibit 1**)

Plaintiff and one other Muslim inmate are religious cooks trained to prepare both Kosher and Halal breakfasts and lunches. Jewish dietary law does not prohibit a non-Jew from preparing Plaintiff's meals. The traditional rule was instituted by the rabbis to prevent intermarriages with

non-Jews. (**Exhibit 2**, Wikipedia, Bishul Yisrael) The law only applies to foods which, according to the Talmud, are “fit for a king’s table” and are not generally eaten raw. (*Id.*) The prohibition was originally decreed in order to avoid a Jew being invited for a meal by a non-Jew which could lead to intermarriage, and people do not invite each other for dinner over food which is not “fit for a King’s table.” (*Id.*) Foods which would not be served at a state dinner are exempt and are Kosher even if cooked totally by non-Jews. (*Id.*) Plaintiff’s meals, as are meals for most people, are not foods that would be served at a state dinner that are “fit for a king’s table.”

For Kosher diets, Summit follows a Halal diet that is compliant with Kosher dietary restrictions for breakfast and lunch. (**Exhibit 1 and 1B**) The religious cooks have their own separate designated area in the kitchen to prepare and cook these meals. As indicated in the five-week menu (**Exhibit 1B**), breakfast and lunch may include hot cereal such as oatmeal, boiled eggs, and cinnamon raisin rolls. Plaintiff and the other inmate prepare and cook these food items separately from the non-Common Fare diets. (**Exhibit 1**).

Summit implements a “no-touch diet system.” Only the trained religious cooks touch the Common Fare meals. Since Covid-19, inmates have been eating in their units rather than the mess hall. The trained religious cooks prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays, and they cover the trays with plastic wrap. Common Fare lunch meals are served in a brown paper bag that is stapled closed. All the food items in the bag are individually wrapped by the religious cooks. (*Id.*).

In the event that the Common Fare tray is unusually heavy, staff may open the tray to determine if there are prohibited items in the tray. There have been security issues in the past where prohibited items, such as stolen items, were placed in the trays. Summit will usually ask a

religious cook to open the tray, but there may not always be a religious cook available to open the tray. (*Id.*).

There have also been incidents where there is a lock-down and the trained religious cooks cannot come to the kitchen or when one of the religious cooks does not show up for work. During those times, Summit may have to have another kitchen inmate prepare the Common Fare meals. The inmate will follow the Common Fare Diet procedures and prepare the religious meals in a separate area using separate utensils and cookware. The inmate will also prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays and cover the trays with plastic wrap. The inmate will serve Common Fare lunch meals in a brown paper bag that is stapled closed with all the food items in the bag individually wrapped. (*Id.*). See *McGhee v. Secretary of Corrections*, 2020 WL 6063405 (D.N.M. Oct. 14, 2020) at *4 citing *Booker v. Graham*, 2020 WL 5103845 (2nd Cir. Aug. 31, 2020) at *3, “[W]e have never held that a prison has an obligation to provide religiously compliant meals during a facility-wide, safety-motivated lockdown.”

Plaintiff’s dinners are certified Kosher pre-packaged box dinner entrees prepared by “My Own Meals.” (**Exhibit 1 and 1C**). These boxed meals are packaged in plastic trays and heated in the microwave. (*Id.*) The dinner entrees may be heated up or eaten cold. Plaintiff receives his “My Own Meal” dinner in his unit on a Styrofoam tray. Both the box dinner and the tray are wrapped together in plastic wrap. Plaintiff opens the box and heats it in the microwave in his unit. No other inmates or staff touch his entrée. (**Exhibit 1**).

For the Kosher and Halal diets, there is one other trained Muslim inmate who prepares side dishes to accompany the “My Own Meals” entrée at dinner. He prepares side dishes such as a salad, fruit cup, cake, pasta, rice, or beans. These items are certified Kosher for both the

Kosher and Halal diets. As with Plaintiff at breakfast and lunch, the inmate who prepares the side dishes for dinner does so in a designated area separate from non-Common Fare diets and must thoroughly clean the area, the utensils, and the pans. The side dishes are sent to the inmate's unit on a Styrofoam tray covered with plastic wrap. (*Id.*).

Plaintiff alleges sporadic instances in the past (presumably when he was not working in the kitchen) that Summit's Common Fare Diet policy was not followed. However, an isolated or sporadic occurrence of being given a meal that did not comply with Plaintiff's religious dietary requirements does not amount to a deprivation of Plaintiff's rights. *Gallagher v. Shelton*, 587 F.3d 1063, 1070-71 (2009).

In *Gallagher v. Shelton*, Mr. Gallagher alleged that his food was not prepared according to the Kosher requirements, because serving utensils that were reserved for the Kosher food preparation were improperly cleaned with non-Kosher utensils. *Id.* at 1070. The Court found that the fact that the utensils were not properly washed indicated that the defendants imperfectly implemented the kosher requirements, or they were even negligent in implementing Mr. Gallagher's Kosher diet. The Court found no basis to conclude that any of the defendants deliberately contaminated the Kosher utensils, in violation of Mr. Gallagher's right to free exercise of religion, or that they repeatedly violated kosher requirements. *Id.*

Likewise, here, any isolated incidents where the Common Fare Diet may not have been strictly followed were the result of incidental negligence, not conscious or intentional interferences with Plaintiff's right to the free exercise of his religion. The fact that the utensils may have touched non-Kosher food, or meat and dairy products may have been served together indicates that the Defendants may have imperfectly implemented the policy, or they may have been negligent in implementing the policy and Plaintiff's Kosher diet. However, there are no

facts and no evidence that Summit (or any of the Defendants) deliberately contaminated Plaintiff's Kosher food, in violation of Plaintiff's right to free exercise of religion, or that Summit (or any of the other Defendants) routinely and purposely violate the policy for preparing Kosher food. *See Yellowbear v. Hargett, supra*, at *51-52, "Partially interfering with a religious exercise on one occasion, or even a few occasions, does not equate to a substantial burden on religious exercise." (internal citations omitted). *See also Nasious v. Robinson, supra*, at *18 finding that any isolated incidents where the policy may have been imperfectly or negligently followed are insufficient to evidence a widespread practice constituting a custom for Section 1983 municipal liability purposes.

The Southern New Mexico Correctional Facility has two facilities or buildings. The larger facility houses inmates that are a Level III or higher. Plaintiff and the other trained religious cooks are housed in the Level III facility. At the present time, Summit is feeding 390 inmates from this larger facility. The other facility is smaller and houses inmates that are a Level II. The Level II facility has a capacity for 330 inmates. At the present time, Summit is feeding 270 inmates from the Level II facility. Summit prepares meals for both facilities in the larger Level III facility kitchen. Between the two facilities, there are only 23 inmates receiving Kosher diets at this time. Summit does not have a separate food service kitchen or separate cooking appliances/equipment for preparing only 23 Kosher diets.² (*Id.*)

Beginning on approximately July 23, 2021, the larger kitchen in the Level III facility will be temporarily closed in order to undergo maintenance and repairs. While this work is ongoing, Summit will have to prepare all meals in the Level II facility which has a smaller kitchen. For

² Summit reasonably assumes the cost of building a separate Kosher kitchen for 23 inmates is not feasible and would be prohibitively expensive to the State. However, since the State is responsible for furnishing food service facilities and equipment, this issue must be addressed by the State.

security purposes, Plaintiff and the other trained religious cooks from the Level III facility will not be allowed to prepare meals in the Level II kitchen. (*Id.*)

However, during this temporary maintenance period, Summit will train the inmates who are cooks in the Level II facility to prepare religious meals according to the Common Fare Diet policy and procedures. The Level II kitchen does not have separate Kosher utensils and cookware or separate storage areas for Kosher utensils and cookware. Summit will train the cooks to thoroughly wash and sanitize the utensils and cookware and to prepare the Kosher and religious meals separately from the non-Common Fare Diet meals. (*Id.*) While the Level III kitchen is out of service, Summit will balance the Common Fare Diet with order, safety, and security in the Level II facility kitchen. *See Cutter v. Wilkinson*, 544 U.S. 709, 722-723 (internal citations omitted),

We do not read RLUIPA to elevate accommodation of religious observances over an institution's need to maintain order and safety.... We have no cause to believe that RLUIPA would not be applied in an appropriately balanced way, with particular sensitivity to security concerns.... Lawmakers supporting RLUIPA were mindful of the urgency of discipline, order, safety, and security in penal institutions....They anticipated that courts would apply the Act's standard with "due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.

The evidence establishes that Summit is providing Plaintiff a Kosher diet compliant with Jewish dietary law. There is no evidence that Summit's Common Fare Diet policy places substantial pressure on Plaintiff to violate his religious beliefs. Plaintiff is not forced to choose between his religious practice and eating. Even assuming there were incidents in the past where the policy was negligently implemented, there was no substantial burden on Plaintiff to abandon his beliefs. "We are not willing to conclude, however, that every single presentation of a meal an

inmate considers impermissible constitutes a substantial burden on an inmate's religious exercise." *Abdulhaseeb v. Calbone, supra*, at 1321.

B. Plaintiff is provided a nutritionally sufficient diet. Contrary to Plaintiff's claim that his diet is nutritionally insufficient, Summit's Nutritional Compliance Statement confirms that the five-week menu cycle for the Kosher and Halal diets meets the menu planning guidelines for the American Correctional Association and the National Academy of Science, Food and Nutrition Board. (**Exhibit 1 and 1D**). The menu cycle provides at least 2800 calories per day which meets the Recommended Dietary Allowances and Dietary Reference Intakes requirements for the adult mixed population, age 19 to 50. (*Id.*)

The NetMenu Average Cycle Nutrition Analysis by Diet for Summit: Corrections provides a daily summary of the nutritional analysis of the five-week Halal/Kosher menu cycle. (**Exhibit 1 and 1E**). The daily average calorie intake for Plaintiff on his Kosher diet is at least 2800 calories a day. (*Id.*)

The Common Fare Diet is nutritionally sufficient. There is no evidence that Plaintiff is forced to choose between his religious practice and adequate nutrition. *Abdulhaseeb v. Calbone, supra*, at 1317.

C. Plaintiff is not forced to violate the Sabbath or forced to not eat on the Sabbath. On the Sabbath, an observant Jew is prohibited from working, which includes "igniting a fire." (Chabad.org, Electricity on Shabbat, **Exhibit 3**). It is forbidden to turn on a stove or microwave for cooking on the Sabbath. (*Id.*) However, there is no restriction from eating foods that are heated or warmed up. For example, observant Jews may use an electric stove or oven to keep food warm provided they follow rules to cover the flame. (*Id.*) Even GE Appliances sells an

oven with a “Sabbath Mode” feature that allows the oven to remain on during the Sabbath for heating foods. (GE Appliances, **Exhibit 4**).

Plaintiff is not deprived of eating on the Sabbath. He is served his Kosher cold breakfasts and lunches. He may eat his “My Own Meals” certified Kosher pre-packaged box dinners cold or warm. Simply eating a warm meal is not forbidden on the Sabbath. If Plaintiff wants hot cereal for breakfast or his dinner warm on the Sabbath, he does not have to be the individual to physically turn on the stove or microwave or “ignite a fire.” Another inmate may turn on the stove or microwave for him.³ Summit imposes no infringement on Plaintiff’s religious observance of the Sabbath. Plaintiff is not forced to choose between observing the Sabbath or eating.

D. Plaintiff’s exercise of religion is not substantially burdened simply because he desires more meat and more variety in his diet. Plaintiff claims his diet is monotonous, and he is not provided enough meat. He seeks to have his Kosher diet conform more closely to the food served to the general population. He wants the same variety of foods offered to other inmates, including hot lunches and foods served with holiday meals, but Kosher. Plaintiff emphasizes his desire for more beef, poultry, lamb, and fish, other than tuna. Plaintiff does not like the variety of foods available to him. However, Plaintiff’s exercise of his religion is not substantially burdened simply because he finds his meals to be unappealing.

As demonstrated on the five-week cycle menu, Plaintiff’s breakfast and lunch menus consist of food items that are Kosher compliant such as cold and hot cereal, eggs, peanut butter, muffins, cinnamon raisin rolls, carrots, celery, cheese, tuna, and cookies. (**Exhibit 1 and 1B**). “My Own Meals” provides certified Halal and Kosher dinner entrees. “My Own Meals” provides

³ A non-Jew who is asked to perform certain activities which a Jew is prohibited from doing on the Sabbath is referred to as a “Shabbos goy.” (**Exhibit 5**, Wikipedia Shabbos goy).

ten meals, and Summit purchases all ten. The vegetarian entrees are dual certified as both Kosher and Halal. The other entrees with meat are certified as either Kosher or Halal, and Summit purchases both. The entrees include Chicken Mediterranean, Chicken and Noodles, Chicken and Black Beans, Beef Stew, Old World Stew, Cheese Tortellini, Vegetarian Stew, Florentine Lasagna and Pasta with Garden Vegetables. (**Exhibit 1 and 1C**).

However, Plaintiff desires more meat and more hot meals. Kosher and Halal diets are similar in that both have restricted foods such as pork and meat from specific animals and animal parts. While the meats on the menu may be limited, the menu is compliant with Kosher dietary law in restricting such foods. *See Abdulhaseeb v. Calbone, supra* at 1313, "...a "halal," or "lawful" diet, prohibits items deemed "haram" (or "unlawful"), including pork and its by-products, animals improperly slaughtered or killed... blood and blood by-products...." (internal citations omitted).

In *Bautista v. Nev. Dep't of Corr.*, 2021 U.S. Dist. LEXIS 40306, 2021 WL 825990, Mr. Bautista, similar to Plaintiff, alleged that his Common Fare diet was insufficient, because it did not contain adequate amounts of meat. *Id.* at *14. Mr. Bautista also argued that he was treated differently, because the prison served hot meals to the mainline inmates on their holy days, while the Common Fare meals were served cold, and the mainline meals largely contained meat while the Common Fare meals were largely vegetarian. *Id.* at *20.

The Court held that receiving different meat options or even less meat was not a substantial burden on religious exercise. *Id.* citing *Shoemaker v. Williams*, No. CV 10-0826-JO, 2013 WL 528306, at *2 (D. Or. Feb. 11, 2013) (rejecting prisoner's claim that a meat-free diet infringed his religious rights); *Sprouse v. Ryan*, 346 F. Supp. 3d 1347, 1359 (D. Ariz. 2017) (finding no substantial burden when prison served kosher meal without 100% beef); and

Fonseca v. Cal. Dep't of Corr. and Rehab., No. 14-cv-787-LAB (BLM), 2015 WL 4172194, at *4 (S.D. Cal. July 10, 2015) (finding that serving fish more often than beef was not a substantial burden). The laws of Kashrut require that if Summit serves Plaintiff meat, the meat must be Kosher compliant. Not having as much meat as Plaintiff would like does not rise to the level of a substantial burden on his religion. *Bautista v. Nev. Dep't of Corr.*, *supra* at *14. The Court further held that there was no evidence of a discriminatory intent, because the Common Fare program was developed to accommodate inmates whose dietary needs could not be met through the mainline program. *Id.* at *21.

Plaintiff also requests other accommodations to supplement the Common Fare Diet including “a qualified Kosher food supervisor to oversee the preparation of Kosher meals.” RLUIPA is directed at obstructions placed on an inmate’s religious observances. It does not impose affirmative duties on states that would require them to facilitate or subsidize the exercise of religion. *Abdulhaseeb v. Calbone*, *supra* at 1321 (internal citations omitted).

Summit provides Plaintiff with a Kosher compliant meal plan under the Common Fare Diet. Summit follows the Common Fare Diet policy to accommodate inmates with a Kosher religious diet and to remain in compliance with Kosher standards and Jewish dietary law. Plaintiff’s religious dietary practice is not substantially burdened simply because he finds his Kosher meals unappealing.

IX. Plaintiff is not Entitled to Compensatory or Punitive Damages

As discussed above, Plaintiff is not entitled to compensatory or punitive damages under RLUIPA. In the event the Court determines that summary judgment is not appropriate, Plaintiff’s claims for compensatory and punitive damages under RLUIPA should be dismissed.

In addition, if the Court determines that summary judgment is not appropriate, Summit moves to dismiss Plaintiff's claim for punitive damages under his remaining causes of action.

In New Mexico, for an award of punitive damages, there must be a *conscious and deliberate* disregard of the interests of others that the conduct may be called willful or wanton. *Paiz v. State Farm Fire & Casualty Co.*, 118 N.M. 203, 1994-NMSC-079, ¶ 27 (emphasis in text) (internal citation omitted). Punitive damage claims invoke conduct that is outrageous, show evil motive, or reckless indifference to the rights of others. Since punitive damages are assessed for punishment and not for reparation, *a positive element of conscious wrongdoing is always required. Id.* (emphasis in text) (internal citations omitted).

The strict standard of conscious culpability cannot be met in this case. Summit follows its Common Fare Diet policy and provides Plaintiff a nutritionally sufficient Kosher diet that complies with Jewish dietary law. Even assuming for purposes of this Motion that there were isolated instances where Summit served non-Kosher food, did not properly use separate cookware or cooking utensils in preparing Kosher meals or improperly mixed meat with dairy in the meals, there is no evidence that Summit consciously, willfully, deliberately, or with an evil motive or reckless indifference violated its Common Fare Diet policy or purposely, willfully, or deliberately denied Plaintiff his Kosher meals.

WHEREFORE, Defendant Summit respectfully requests that the Court enter summary judgment and dismiss the matter against it in its entirety. In the alternative, Defendant Summit requests that the Court dismiss Plaintiff's claims for compensatory and punitive damages under RLUIPA and grant summary judgment on Plaintiff's remaining punitive damages claims.

Respectfully submitted,

RESNICK & LOUIS, P.C.

By: /s/ Harriett J. Hickman

Harriett J. Hickman

5600 Eubank Blvd., Suite 220

Albuquerque, NM 87107

Tel./Fax: 505.559.4983

hhickman@rlattorneys.com

Attorneys for Defendant Summit Food Services

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August 2021, I filed the Defendant Summit Food Services' Motion for Summary Judgment through the CM/ECF system, which caused the following parties or counsel to be served by electronic means and copy was mailed to Plaintiff at the below address:

CARNELL HUNNICUTT, SR. *PRO SE*
SNMCF 2A B106
P.O BOX 639
LAS CRUCES, NM 88004

By: /s/ Harriett J. Hickman

Harriett J. Hickman

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARNELL HUNNICUTT, SR., §
and on behalf of all those §
similarly situated, §
§
Plaintiffs, §
§
v. §
§
No. 2:20-cv-00206-MV-CG
§
§
DANIEL PETERS, WILLIAM EDGMAN, §
ESTEVAN FLORES, K.D. MILLER, §
JODI URSHAW, JOSHUA SIGALA, §
ASTRID CASTILLO, MARY WILLIAMS, §
SUMMIT FOOD SERVICES, §
GERMAN FRANCO, ADAM WHITEFIELD, §
WARDEN MARTINEZ, JOHN GAY, §
NEW MEXICO CORRECTIONS §
DEPARTMENT, and SOUTHERN NEW MEXICO §
CORRECTIONAL FACILITY,
§
Defendants.

AFFIDAVIT AND “MARTINEZ” INVESTIGATIVE REPORT OF MICHAEL MAYS

I, Michael Mays, the affiant herein, having been duly sworn, states upon oath:

1. I am the Food Services Director for Summit Food Services (Summit) at the Southern New Mexico Correctional Facility in Las Cruces, New Mexico where Plaintiff, Carnell Hunnicutt, is serving time as an inmate. I have served as the Food Services Director for Summit at the facility for the past two years.
2. Summit has a Food Services Contract with the State of New Mexico General Services Department to provide on-site dietary operations at the facility to include meal preparation and serving meals. Summit trains the kitchen staff and inmates assigned to the kitchen facility. Pursuant to the Contract, the New Mexico Corrections Department is responsible for furnishing food service facilities including the kitchen and the equipment in the kitchen.

3. Summit's policies and procedures include a Common Fare Diet attached hereto as **Exhibit 1A**. The Common Fare Diet is provided for inmates that follow various religious dietary laws whose needs cannot be met by the standard menu. The Common Fare diet covers Kosher, Halal, Muslim and vegetarian-based religious diets. The diet must be prepared in a Kosher manner and use all Kosher certified products in order to meet Jewish Dietary Law, however, this is still acceptable for other religions. (*Id.*)

4. The Common Fare Diet Operational Procedures provide that all food items must have Kosher certification and any foods prepared in the kitchen for the Common Fare Diet will utilize cookware and utensils that are stored separately and are washed, rinsed and sanitized separately. The procedures also include Directions for Implementation of Kosher foods. (*Id.*)

5. At this time, we do not have a culinary arts training program at the facility. Such a program would not provide training for the Common Fare Diet or any other religious diet. We do provide training to inmates who work in the kitchen as religious cooks on preparing Kosher and Halal meals and how to follow the Common Fare Diet. As indicated in the Common Fare Diet, the training follows Jewish Dietary Law, even for Halal meals, which is stricter than other diets. The training includes instructions to keep meat and dairy products separate, to thoroughly clean the inmates' working area and to thoroughly wash all pans and utensils before using them.

6. As set forth in the Common Fare Diet, the religious cooks trained to prepare the Common Fare Diet are trained to thoroughly clean their working area and to thoroughly wash, rinse and sanitize all pans and utensils before using them. I recently ordered new utensils, and the State recently purchased new cookware. We have designated the new utensils and cookware as Kosher as set forth in the Common Fare Diet. The State will be providing us with a separate

storage area for our Kosher utensils and cookware. Our religious cooks have their own separate designated area in the kitchen to prepare and cook meals.

7. Mr. Hunnicutt is a religious cook trained to work in the kitchen and to prepare the Common Fare Diet for Kosher and Halal meals. He has worked in the kitchen off and on depending on his level in the facility. Mr. Hunnicutt has been working in the kitchen for approximately the last three (3) months.

8. For Kosher diets, Summit follows a Halal diet that is compliant with Kosher dietary restrictions for breakfast and lunch. As required by the Common Fare Diet, the menu follows Kosher guidelines and is Kosher compliant. Kosher and Halal diets are similar in that both have restricted foods such as pork and meat from specific animals and animal parts. A copy of the Halal Diet five-week Menu for the facility for 2021 is attached hereto as **Exhibit 1B**.

9. Mr. Hunnicutt, along with one other Muslim inmate, are religious cooks trained to prepare both Kosher and Halal breakfasts and lunches. They have their own separate designated area in the kitchen to prepare and cook meals. As demonstrated on the menu, Mr. Hunnicutt's breakfast and lunch menus consist of food items that are Kosher compliant such as cold and hot cereal, eggs, peanut butter, muffins, cinnamon raisin rolls, carrots, celery, cheese, tuna and cookies. (*Id.*) Mr. Hunnicutt and the other inmate prepare and cook these food items separately from the non-Common Fare diets.

10. We implement a "no-touch diet system." Only our trained religious cooks touch the Common Fare meals. Since Covid-19, inmates have been eating in their units rather than the mess hall. Our trained religious cooks prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays, and they cover the trays with plastic wrap. Common

Fare lunch meals are served in a brown paper bag that is stapled closed. All the food items in the bag are individually wrapped by the religious cooks.

11. In the event that the Common Fare tray is unusually heavy, staff may open the tray to determine if there are prohibited items in the tray. We have had security issues in the past where prohibited items, such as stolen items, were placed in the trays. We usually ask a religious cook to open the tray, but there may not always be a religious cook available to open the tray.

12. We have had incidents where there is a lock-down and our trained religious cooks cannot come to the kitchen or when one of the religious cooks does not show up for work. During those times, we may have to have another kitchen inmate prepare the Common Fare meals. The inmate will follow the Common Fare Diet procedures and prepare the religious meals in a separate area using separate utensils and cookware. The inmate will also prepare the trays for Common Fare breakfast meals and dinner side dishes using Styrofoam trays and cover the trays with plastic wrap. The inmate will serve Common Fare lunch meals in a brown paper bag that is stapled closed with all the food items in the bag individually wrapped.

13. Mr. Hunnicutt's dinners are certified Kosher pre-packaged box dinner entrees prepared by "My Own Meals." (**Exhibit 1C**). "My Own Meals" provides certified Halal and Kosher dinner entrees. "My Own Meals" provides ten meals, and we purchase all ten. The vegetarian entrees are dual certified as both Kosher and Halal. The other entrees are certified as either Kosher or Halal, and we purchase both. The entrees include Chicken Mediterranean, Chicken and Noodles, Chicken and Black Beans, Beef Stew, Old World Stew, Cheese Tortellini, Vegetarian Stew, Florentine Lasagna and Pasta with Garden Vegetables. (*Id.*) The dinner entrees may be heated up or eaten cold. These boxed meals are packaged in plastic trays and heated in the microwave. (*Id.*)

14. Mr. Hunnicutt receives his “My Own Meal” dinner in his unit on a Styrofoam tray. Both the box dinner and the tray are wrapped together in plastic wrap. Mr. Hunnicutt opens the box and heats it in the microwave in his unit. No other inmates or staff touch his entrée.

15. For the Kosher and Halal diets, there is one other trained Muslim inmate who prepares side dishes to accompany the “My Own Meals” entrée at dinner. He prepares side dishes such as a salad, fruit cup, cake, pasta, rice or beans. These items are certified Kosher for both the Kosher and Halal diets. As with Mr. Hunnicutt at breakfast and lunch, the inmate who prepares the side dishes for dinner does so in a designated area separate from non-Common Fare diets and must thoroughly clean the area, the utensils and the pans. The side dishes are sent to the inmate’s unit on a Styrofoam tray covered with plastic wrap.

16. Attached as **Exhibit 1D** is the Summit Nutritional Compliance Statement. The five-week menu cycle for the Kosher and Halal diets at the facility meets the menu planning guidelines for the American Correctional Association and the National Academy of Science, Food and Nutrition Board. The menu cycle provides at least 2800 calories per day which meets the Recommended Dietary Allowances and Dietary Reference Intakes requirements for the adult mixed population, age 19 to 50.

17. Attached as **Exhibit 1E** is the NetMenu Average Cycle Nutrition Analysis by Diet for Summit: Corrections. The NetMenu provides a daily summary of the nutritional analysis of the five-week Halal/Kosher menu cycle. The daily average calorie intake for Mr. Hunnicutt on his Kosher diet is at least 2800 calories a day.

18. Mr. Hunnicutt is provided his Kosher breakfast and lunch meals on the Sabbath. He may eat a cold breakfast or lunch. He is also provided his pre-packaged “My Own Meals” certified Kosher box dinners which he may eat cold or warm. On the Sabbath, another inmate in the

kitchen may cook his breakfast or lunch items if he wants those warm. Another inmate on his unit may warm his dinner for him so that he does not have to turn on the microwave. I understand that Mr. Hunnicutt may not turn on the oven or microwave on the Sabbath. However, I also understand that he is allowed have someone else turn on the oven and microwave, and he is allowed to eat food that has been warmed or heated.

19. The Southern New Mexico Correctional Facility has two facilities or buildings. The larger facility houses inmates that are a Level III or higher. Mr. Hunnicutt and the other trained religious cooks are housed in the Level III facility. At the present time, we are feeding 390 inmates from this larger facility. The other facility is smaller and houses inmates that are a Level II. The Level II facility has a capacity for 330 inmates. At the present time, we are feeding 270 inmates from the Level II facility. We prepare meals for both facilities in the larger Level III facility kitchen. Between the two facilities, there are only 23 inmates receiving Kosher diets at this time. We do not have a separate food service kitchen or separate cooking appliances/equipment for preparing only 23 Kosher diets.

20. Beginning on approximately July 23, 2021, the larger kitchen in the Level III facility will be temporarily closed in order to undergo maintenance and repairs. While this work is ongoing, we will have to prepare all meals in the Level II facility which has a smaller kitchen. For security purposes, Mr. Hunnicutt and the other trained religious cooks from the Level III facility will not be allowed to prepare meals in the Level II kitchen.

21. However, during this temporary maintenance period, we will train the inmates who are cooks in the Level II facility to prepare religious meals according to the Common Fare Diet policy and procedures. The Level II kitchen does not have separate Kosher utensils and cookware or separate storage areas for Kosher utensils and cookware. We will train the cooks to

thoroughly wash and sanitize the utensils and cookware and to prepare the Kosher and religious meals separately from the non Common Fare Diet meals.

22. Both facilities are a pork-free facilities. Several months ago, I purchased frozen pepperoni pizza without realizing the pizza had pork. Now, I only purchase cheese pizza. Some time ago, I also purchased canned cheese for inmates to add flavor to their meals. However, I realized this may lead to mixing meat and dairy, so I discontinued the canned cheese.

23. This past year on Passover, Mr. Hunnicutt requested that he be served corn tortillas instead of bread. We provided him with corn and flour tortillas as he requested. We also provided him with fruit instead of cake. Mr. Hunnicutt did not object to the cookies he was provided with his lunch.

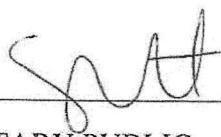
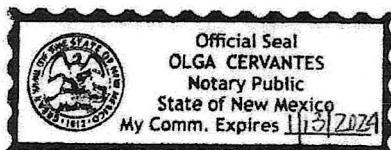
24. The vendor for the facility is Keefe Commissary. I understand the vendor sells items that are labeled Kosher that Mr. Hunnicutt may purchase.

DATED: 8/9/21



MICHAEL MAYS

SUBSCRIBED AND SWORN TO before me this 9 day of August, 2021.



NOTARY PUBLIC

My commission expires:

11/31/2024

COMMON FARE DIET

POLICY

A common fare diet will be provided for individuals that follow various religious dietary laws whose needs cannot be met by the standard menu.

PROCEDURE

1. The Chaplain or facility designee will order a common fare diet for the individual.
2. Food Service Director is responsible for contacting a Wellness Dietitian to plan the common fare menu based on the facility's policy and menu.
3. The following menu pattern may be used temporarily to provide meals to the individual requiring a common fare diet.
4. This diet will cover Kosher, Halal, Muslim and vegetarian-based religious diets.
5. This diet must be prepared in a Kosher manner and use all Kosher certified products in order to meet Jewish Dietary Law; however, this diet is still acceptable for other religions to receive.

BREAKFAST	HOT LUNCH/DINNER	COLD LUNCH/DINNER
1 ea. Hard cooked egg or 1 oz. Kosher peanut butter	1 c. Kosher seasoned beans	4 oz. Kosher cheese or Kosher peanut butter
1 c. Kosher cereal per menu	1 c. Kosher starch per menu	1 c. Kosher chips
	½ c. Kosher vegetable per menu	½ c. Carrot or celery sticks
2 ea. Kosher bread per menu	2 ea. Kosher bread per menu	4 ea. Kosher bread per menu
1 serving Kosher margarine per menu	1 serving Kosher margarine per menu	Kosher condiments per menu
½ c. Kosher canned fruit or 1 piece of fresh fruit	½ c. Kosher canned fruit or 1 piece of fresh fruit	½ c. Kosher canned fruit or 1 piece of fresh fruit
8 oz. Kosher beverage per menu	8 oz. Kosher beverage per menu	8 oz. Kosher beverage per menu

OPERATIONAL PROCEDURES

Operational procedures for producing a common fare diet:

- All foods items used must have Kosher certification.
 - If fish is on the menu, it will be Halal and Kosher.
 - Pork and pork by-products are not served.
 - No alcohol or extracts will be used.
 - Dairy products will be Kosher.
 - Fish or meat and dairy products will not be served in the same meal.
 - Bread and margarine will be labeled "parve."



- Any foods that are prepared in the kitchen for the common fare diet will utilize separate kitchen equipment that is new and has never touch non-Kosher food:
 - Cooking pots
 - Serving utensils
 - Prep bowls
 - Storage containers
 - Knives
- All common fare cookware will be labeled and stored separately.
- All common fare cookware and utensils will be washed, rinsed and sanitized separately.
- All meals will be served on designated common fare trays with designated common fare utensils or on disposable products with disposable utensils.

DIRECTIONS FOR IMPLEMENTATION

All food products must be Kosher certified. Any bulk products must be used only for Kosher service and labeled "For Kosher Diets Only."

Tray

- The tray and all dishes and plastic ware used for service and preparation must be disposable.
- When the entire tray is put together, wrap tray in plastic wrap to protect the protein portion from contamination. The tray will remain wrapped when served.
- **Do not allow any food to touch your hands, counters, pots, pans, sinks or any other machines or surfaces.**

Cereal

- With a gloved hand, dip a styrofoam cup into the cereal, then place a lid on the cup.
- If using a styrofoam bowl, pour cereal directly into styrofoam bowl and cover with plastic wrap.
- **Do not allow cereal to touch your hands or any other surfaces.**

Tortilla

- With a gloved hand, take tortilla from the bag. Place the tortilla directly into a small plastic disposable sandwich bag and place on tray.
- Corn or flour tortillas can be Kosher. Check the label.
- **Do not allow tortillas to touch your hands or any other surfaces.**

Protein Portions

- Using gloved hands and disposable knives or spoons, put tuna or peanut butter (if not using a PC) into white paper soufflé cups like health services uses for med pass.
- **Do not allow protein portions to touch your hands or any other surfaces.**

Fruits and Vegetables

- Turn on the water. With gloved hands, take fruit or vegetable and hold under running water to hand wash. Place in disposable container or on disposable tray for services. Fruit or vegetable may be broken to fit container or tray.
- Baby carrots are the best choice. Celery can be cut with a plastic disposable knife.
- Do not rub with a cloth or peel and cut fruits and vegetables with a regular knife (only use disposable utensils).
- **Do not allow fruits or vegetables to touch your hands or any other surfaces.**

Beverages

- All beverages will be served in individual cartons or containers.
- **Do not open beverages before service.**

Pre-packaged Kosher Meals

- These meals that will be heated unopened per package instructions.
- **If there is any opening in these meals before serving, they are unusable and should be discarded.**

Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Breakfast													
Cold Cereal	1 1/2 cup	Hot Cereal	2 cups	Hot Cereal	2 cups	Hot Cereal	2 cups	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup
Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz	Peanut Butter	2 oz	Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz
Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each	Bread	2 slices	Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each
Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each
Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz
1% Milk	1/2 pint	Jelly	1 Tbsp	Jelly	1 Tbsp	Jelly	1 Tbsp	1% Milk	1/2 pint	Jelly	1 Tbsp	1% Milk	1/2 pint
Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	1% Milk	1/2 pint	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each
Lunch													
Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz	Hard Boiled Egg	2 each	Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz
Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz	Cheese Slice	2 slices	Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz
Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup
Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz	Carrots & Celery	1/2 cup	Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz
Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz
Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices
Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each
Dinner													
Halal MOM Garden Vegetable Pasta	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each	Halal J&M Chicken & Noodles	1 each	Halal MOM Meal	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each
Fluffy Rice	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Beans	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Macaroni Noodles	1 cup	Fluffy Rice	1 cup	Seasoned Beans	1 cup
Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup
Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz
Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz
Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Frosted Bar	1/40 cut	Bread	2 slices
Frosted Bar	1/40 cut	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz						
Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each

Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Breakfast													
Cold Cereal	1 1/2 cup	Hot Cereal	2 cups	Hot Cereal	2 cups	Hot Cereal	2 cups	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup
Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz	Peanut Butter	2 oz	Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz
Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each	Bread	2 slices	Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each
Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each
Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz
1% Milk	1/2 pint	Jelly	1 Tbsp	Jelly	1 Tbsp	Jelly	1 Tbsp	1% Milk	1/2 pint	Jelly	1 Tbsp	1% Milk	1/2 pint
Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	1% Milk	1/2 pint	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each
Lunch													
Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz	Hard Boiled Egg	2 each	Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz
Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz	Cheese Slice	2 slices	Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz
Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup
Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz	Carrots & Celery	1/2 cup	Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz
Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz
Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices
Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each
Dinner													
Halal MOM Garden Vegetable Pasta	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each	Halal J&M Chicken & Black Beans	1 each	Halal MOM Meal	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each
Fluffy Rice	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Beans	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Macaroni Noodles	1 cup	Fluffy Rice	1 cup	Seasoned Beans	1 cup
Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup
Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz
Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz
Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Frosted Bar	1/40 cut	Bread	2 slices
Frosted Bar	1/40 cut	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz
Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each

Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Breakfast													
Cold Cereal	1 1/2 cup	Hot Cereal	2 cups	Hot Cereal	2 cups	Hot Cereal	2 cups	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup
Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz	Peanut Butter	2 oz	Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz
Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each	Bread	2 slices	Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each
Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each
Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz
1% Milk	1/2 pint	Jelly	1 Tbsp	Jelly	1 Tbsp	Jelly	1 Tbsp	1% Milk	1/2 pint	Jelly	1 Tbsp	1% Milk	1/2 pint
Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	1% Milk	1/2 pint	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each
Lunch													
Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz	Hard Boiled Egg	2 each	Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz
Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz	Cheese Slice	2 slices	Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz
Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup
Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz	Carrots & Celery	1/2 cup	Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz
Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz
Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices
Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each
Dinner													
Halal MOM Garden Vegetable Pasta	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each	Halal J&M Chicken Mediterranean	1 each	Halal MOM Meal	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each
Fluffy Rice	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Beans	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Macaroni Noodles	1 cup	Fluffy Rice	1 cup	Seasoned Beans	1 cup
Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup
Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz
Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz
Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Frosted Bar	1/40 cut	Bread	2 slices
Frosted Bar	1/40 cut	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz
Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each

Dietary Consultant _____

Approval Date _____

EXHIBIT 1B

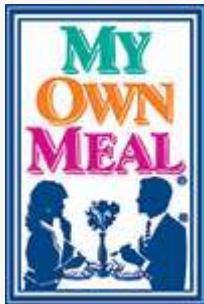
Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Breakfast													
Cold Cereal	1 1/2 cup	Hot Cereal	2 cups	Hot Cereal	2 cups	Hot Cereal	2 cups	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup
Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz	Peanut Butter	2 oz	Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz
Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each	Bread	2 slices	Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each
Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each
Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz
1% Milk	1/2 pint	Jelly	1 Tbsp	Jelly	1 Tbsp	Jelly	1 Tbsp	1% Milk	1/2 pint	Jelly	1 Tbsp	1% Milk	1/2 pint
Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	1% Milk	1/2 pint	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each
Lunch													
Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz	Hard Boiled Egg	2 each	Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz
Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz	Cheese Slice	2 slices	Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz
Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup
Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz	Carrots & Celery	1/2 cup	Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz
Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz
Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices
Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each
Dinner													
Halal MOM Garden Vegetable Pasta	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each	Halal J&M My Kind of Chicken	1 each	Halal MOM Meal	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each
Fluffy Rice	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Beans	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Macaroni Noodles	1 cup	Fluffy Rice	1 cup	Seasoned Beans	1 cup
Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup
Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz
Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz
Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Frosted Bar	1/40 cut	Bread	2 slices
Frosted Bar	1/40 cut	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz						
Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each

Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
Breakfast													
Cold Cereal	1 1/2 cup	Hot Cereal	2 cups	Hot Cereal	2 cups	Hot Cereal	2 cups	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup	Cold Cereal	1 1/2 cup
Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz	Peanut Butter	2 oz	Peanut Butter	2 oz	Hard Boiled Egg	2 each	Peanut Butter	2 oz
Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each	Bread	2 slices	Muffin	1/40 cut	Bread	2 slices	Cinnamon Pastry	1 each
Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each	Sugar PC	2 each
Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz	Whipped Margarine	1/2 oz
1% Milk	1/2 pint	Jelly	1 Tbsp	Jelly	1 Tbsp	Jelly	1 Tbsp	1% Milk	1/2 pint	Jelly	1 Tbsp	1% Milk	1/2 pint
Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	1% Milk	1/2 pint	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each	1% Milk	1/2 pint	Fortified Flavored Beverage PC	1 each
Lunch													
Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz	Hard Boiled Egg	2 each	Tuna Chunk Light	2.6 oz	Peanut Butter	2 oz	Tuna Chunk Light	2.6 oz
Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz	Cheese Slice	2 slices	Chips	1 oz	Jelly	1 Tbsp	Chips	1 oz
Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup	Chips	1 oz	Carrot Sticks	1/2 cup
Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz	Carrots & Celery	1/2 cup	Salad Dressing	1 oz	Celery Sticks	1/2 cup	Salad Dressing	1 oz
Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz	Salad Dressing	1 oz	Sandwich Salad Dressing	1 oz
Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices	Bread	4 slices
Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each	Sandwich Cookie	2 each
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each
Dinner													
Halal MOM Garden Vegetable Pasta	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each	Halal J&M Chicken & Black Beans	1 each	Halal MOM Meal	1 each	Halal J&M Beef Stew	1 each	Halal MOM Meal	1 each
Fluffy Rice	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Beans	1 cup	Seasoned Macaroni Noodles	1 cup	Seasoned Macaroni Noodles	1 cup	Fluffy Rice	1 cup	Seasoned Beans	1 cup
Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup	Lettuce Salad	1 cup
Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz	Diced Tomato	1/2 oz
Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz	Salad Dressing	1 oz
Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices	Bread	2 slices
Whipped Margarine	1 oz	Whipped Margarine	1 oz	Canned Fruit	1/2 cup	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz	Whipped Margarine	1 oz
Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Fortified Flavored Beverage PC	1 each	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup	Canned Fruit	1/2 cup
Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each	Fortified Flavored Beverage PC	1 each

Dietary Consultant _____

Approval Date _____

EXHIBIT 1B



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The Solution For Your Kosher Meal Program



MOM's Kosher Prepared Meals for Institutional Needs

Institutions with a both a consistent level of Jewish clientele and with a fluctuating population will find *My Own Meal® glatt* kosher meals in 10 oz (283g) trays to be a perfect solution to meet religious dietary needs.

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My Own Meals focuses on processing an order and shipping it either the same or next shipping day. We ship Monday through Thursday via UPS (United Parcel Services) or by a commercial trucking service for larger pallet orders. Within a few days, our kosher meals arrive and are ready to use.

Quick and Convenient Kosher Meals

Just Heat and Serve

My Own Meal® kosher prepared meals are packaged in convenient **plastic trays** that can be heated in the microwave oven for about a minute by venting the corner and putting the meal back into its box. Even though the sides of the box will open from the escaping steam, the **double wrapping** rule will be maintained.



Open the carton

Vent the corner of the tray
by pulling back slightly on
one corner



And then return the entire meal tray to the carton with the vented side inserted first.

To heat large quantities at the same time, some institutions use vertical steam tray units, or place them into hot water. [**Contact**](#) our management team with questions about how best to heat them within your particular setting to maintain kosher status.

In case of an emergency situation within the institution, MOM's shelf stable meals are fully cooked and can be consumed at room temperature, although meals always taste better hot. We taste test every batch of our meals at room temperature before shipping them to ensure that they taste delicious, even when consumed unheated.

Ambient Temperature Storage

Storage is simple and convenient. Just keep them in dry storage at ambient temperatures. MOM's kosher prepared meals do not take up valuable and very limited refrigerator or freezer space. In fact, they should never be stored in a freezer, under cold refrigeration or at temperatures over 80°F (26°C). This could damage the packaging or the quality of the kosher meal itself. We developed our recipes with shelf stable storage in mind.





Variety of Kosher Prepared Meals for Menu Planning

We offer ten tasty kosher *My Own Meal*® varieties available in 10 oz trays.

- Four are vegetarian meals, and are dual certified both kosher and halal to help keep SKUs down while satisfying additional dietary needs.
- Six of our recipes are *glatt* kosher meat meals.
- Five meal varieties are gluten free and celiac friendly.

See our Meal Descriptions for more information.

Resources Available for Menu Planning of Kosher Meals

The *My Own Meals* management can assist in menu planning ideas and alternatives. For additional



information, see the following article from: *Food Technology* magazine, Institute of Food Technologists, July 2000, Volume 54, No.7, ***Getting Religion – For Your Products That Is***, by Mary Anne Jackson.

Technical Services and Support

Our knowledgeable technical team can assist with menu planning and preparation services. We can help you implement practical solutions to your specific dietary requirements and operational environment.

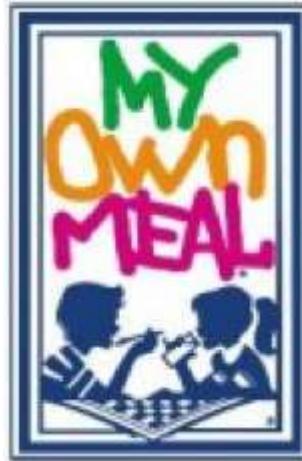
For more information about preparing meals in an institution, see ***Preparation Alternatives for Institutions***.

Also refer to our Frequently Asked Questions page to learn more about the double-wrapping rule, ***How can we double wrap meat meals to cook them in a non-rabbi-supervised microwave?***



SEARCH

SEARCH





NUTRITIONAL COMPLIANCE STATEMENT

The enclosed five week menu cycle for NM- DOC Southern Detention Center meets the menu planning guidelines for the American Correctional Association and the National Academy of Science, Food and Nutrition Board.

The menu cycle provides 2800 calories per day and meets the Recommended Dietary Allowances (RDA) and Dietary Reference Intakes (DRI) requirements for the adult mixed population, age 19-50.

All entree portions purchased fully cooked are within manufacturer tolerance specifications and weight measurements listed are prior to reheating. Casseroles and combination recipes made from scratch are based upon approximate cooked weight measurements. Weights on desserts are prior to baking.

Emily Dale RD, LD

4/5/2021

Emily Dale RD, LD
Summit Dietitian

Summit: CorrectionsNM - Southern S/S Menu
2021

Diet: Halal Diet

Average Cycle Total Summit

Week 1 - DAILY SUMMARY

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Monday	3142	78.85	116.99	27.835	447.23	28.2	67	1006	4306	35.54	14367	225.9	1370	32.3			
Tuesday	3046	85.63	148.89	40.223	345.35	24.3	391	881	3062	17.92	4705	230.1	1363	34.1			
Wednesday	3108	94.52	144.76	38.33	362.02	39.8	82	1149	3872	20.75	11375	205.2	1291	32.3			
Thursday	3015	90.75	149.01	41.338	331.23	23	429	973	3588	17.17	13147	196.7	1448	36.2			
Friday	2967	78.27	141.48	36.083	355.58	32	67	895	4240	30.33	12382	216.9	1370	32.3			
Saturday	3254	80.52	145.02	40.638	414.54	26.1	391	910	3535	34.23	6768	251	1442	34.1			
Sunday	2919	90.12	138.92	38.236	334.88	41.7	82	980	4118	31.5	14607	210.2	1370	32.3			

Daily Average

Meals	3,064.43	85.52	140.72	37.53	370.12	30.73	215.57	970.57	3,817.29	26.78	11,050. 14	219.43	1,379.14	33.37	NaN	NaN	NaN
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Daily Average %

Week 1																	
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Summit: CorrectionsNM - Southern S/S Menu
2021

Diet: Halal Diet

Average Cycle Total Summit

Week 2 - DAILY SUMMARY

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Monday	3142	78.85	116.99	27.835	447.23	28.2	67	1006	4306	35.54	14367	225.9	1370	32.3			
Tuesday	3046	85.63	148.89	40.223	345.35	24.3	391	881	3062	17.92	4705	230.1	1363	34.1			
Wednesday	3108	94.52	144.76	38.33	362.02	39.8	82	1149	3872	20.75	11375	205.2	1291	32.3			
Thursday	3015	90.75	148.01	41.338	334.23	26	404	993	3468	17.17	10147	223.1	1448	36.2			
Friday	2967	78.27	141.48	36.083	355.58	32	67	895	4240	30.33	12382	216.9	1370	32.3			
Saturday	3254	80.52	145.02	40.638	414.54	26.1	391	910	3535	34.23	6768	251	1442	34.1			
Sunday	2919	90.12	138.92	38.236	334.88	41.7	82	980	4118	31.5	14607	210.2	1370	32.3			

Daily Average

Meals	3,064.43	85.52	140.58	37.53	370.55	31.16	212.00	973.43	3,800.14	26.78	10,621. 57	223.20	1,379.14	33.37	NaN	NaN	NaN
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Daily Average %

Week 2																	
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Summit: CorrectionsNM - Southern S/S Menu
2021

Diet: Halal Diet

Average Cycle Total Summit

Week 3 - DAILY SUMMARY

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Monday	3142	78.85	116.99	27.835	447.23	28.2	67	1006	4306	35.54	14367	225.9	1370	32.3			
Tuesday	3046	85.63	148.89	40.223	345.35	24.3	391	881	3062	17.92	4705	230.1	1363	34.1			
Wednesday	3108	94.52	144.76	38.33	362.02	39.8	82	1149	3872	20.75	11375	205.2	1291	32.3			
Thursday	3025	89.75	150.01	41.838	334.23	25	404	993	3518	17.17	9947	202.1	1448	36.2			
Friday	2967	78.27	141.48	36.083	355.58	32	67	895	4240	30.33	12382	216.9	1370	32.3			
Saturday	3254	80.52	145.02	40.638	414.54	26.1	391	910	3535	34.23	6768	251	1442	34.1			
Sunday	2919	90.12	138.92	38.236	334.88	41.7	82	980	4118	31.5	14607	210.2	1370	32.3			

Daily Average

Meals	3,065.86	85.38	140.87	37.60	370.55	31.01	212.00	973.43	3,807.29	26.78	10,593.00	220.20	1,379.14	33.37	NaN	NaN	NaN
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Daily Average %

Week 3																
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Summit: CorrectionsNM - Southern S/S Menu
2021

Diet: Halal Diet

Average Cycle Total Summit

Week 4 - DAILY SUMMARY

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Monday	3142	78.85	116.99	27.835	447.23	28.2	67	1006	4306	35.54	14367	225.9	1370	32.3			
Tuesday	3046	85.63	148.89	40.223	345.35	24.3	391	881	3062	17.92	4705	230.1	1363	34.1			
Wednesday	3108	94.52	144.76	38.33	362.02	39.8	82	1149	3872	20.75	11375	205.2	1291	32.3			
Thursday	3045	89.75	150.01	41.838	337.23	24	409	973	3438	16.45	12147	195.5	1448	36.2			
Friday	2967	78.27	141.48	36.083	355.58	32	67	895	4240	30.33	12382	216.9	1370	32.3			
Saturday	3254	80.52	145.02	40.638	414.54	26.1	391	910	3535	34.23	6768	251	1442	34.1			
Sunday	2919	90.12	138.92	38.236	334.88	41.7	82	980	4118	31.5	14607	210.2	1370	32.3			

Daily Average

Meals	3,068.71	85.38	140.87	37.60	370.98	30.87	212.71	970.57	3,795.86	26.67	10,907.29	219.26	1,379.14	33.37	NaN	NaN	NaN
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Daily Average %

Week 4																	
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Summit: CorrectionsNM - Southern S/S Menu
2021

Diet: Halal Diet

Average Cycle Total Summit

Week 5 - DAILY SUMMARY

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Monday	2922	75.21	130.35	32.827	367.24	28.2	67	947	4142	32.9	14365	225.9	1370	32.3			
Tuesday	3046	85.63	148.89	40.223	345.35	24.3	391	881	3062	17.92	4705	230.1	1363	34.1			
Wednesday	3108	94.52	144.76	38.33	362.02	39.8	82	1149	3872	20.75	11375	205.2	1291	32.3			
Thursday	3015	90.75	148.01	41.338	334.23	26	404	993	3468	17.17	10147	223.1	1448	36.2			
Friday	2967	78.27	141.48	36.083	355.58	32	67	895	4240	30.33	12382	216.9	1370	32.3			
Saturday	2980	80.88	138	36.882	360.55	27.1	391	901	3397	32.99	6766	251	1442	34.1			
Sunday	2919	90.12	138.92	38.236	334.88	41.7	82	980	4118	31.5	14607	210.2	1370	32.3			

Daily Average

Meals	2,993.86	85.05	141.49	37.70	351.41	31.30	212.00	963.71	3,757.00	26.22	10,621.00	223.20	1,379.14	33.37	NaN	NaN	NaN
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Daily Average %

Week 5																
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NM - Southern S/S Menu 2021

SUMMARY

Diet: Halal Diet

Average Cycle Total Summit

Nutritional Goal	KCAL	PRO	FAT	SFA	CHO	FIBTG	CHOL	CA	NA	FE	VITAIU	VITC	VITDIU	VITD			
	KCAL	Gram	Gram	Gram	Gram	Gram	MG	MG	MG	MG	IU	MG	IU	MCG			
Week 1	3,064.43	85.52	140.72	37.53	370.12	30.73	215.57	970.57	3,817.29	26.78	11,050.14	219.43	1,379.14	33.37	NaN	NaN	NaN
Week 2	3,064.43	85.52	140.58	37.53	370.55	31.16	212.00	973.43	3,800.14	26.78	10,621.57	223.20	1,379.14	33.37	NaN	NaN	NaN
Week 3	3,065.86	85.38	140.87	37.60	370.55	31.01	212.00	973.43	3,807.29	26.78	10,593.00	220.20	1,379.14	33.37	NaN	NaN	NaN
Week 4	3,068.71	85.38	140.87	37.60	370.98	30.87	212.71	970.57	3,795.86	26.67	10,907.29	219.26	1,379.14	33.37	NaN	NaN	NaN
Week 5	2,993.86	85.05	141.49	37.70	351.41	31.30	212.00	963.71	3,757.00	26.22	10,621.00	223.20	1,379.14	33.37	NaN	NaN	NaN

Cycle Average

Total	3,051.46	85.37	140.91	37.59	366.72	31.01	212.86	970.34	3,795.52	26.65	10,758.60	221.06	1,379.14	33.37	0.00	0.00	0.00
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WIKIPEDIA

Bishul Yisrael

Bishul Yisrael (literally "cooking of Israel" - i.e., by a Jew) is a Hebrew term for one of the laws of kashrut in Judaism. The rule prohibits eating certain foods if they are cooked exclusively by non-Jews.^[1] The term is the opposite of *bishul akum*, (cooking of a non-Jew), which the rule forbids. *Akum* (עכו"ם) is an acronym of *Ovdey Kochavim U'Mazalot* (עובד כוכבים ומזלות), literally "worshippers of stars and zodiac signs", but is actually a term for non-Jews).^[2]

This rule is part of a set of decrees instituted by the rabbis of the Talmud to prevent intermarriages with non-Jews.^[3] The prohibition of *bishul akum* applies to a formal meal prepared exclusively by non-Jews, even if the situation was one which had no other kosher food problems.^[4]

The prohibition applies only if the food is prepared *exclusively* by non-Jews.^[5] A small amount of Jewish participation can suffice to keep the food kosher.^[3] Different rabbis have different views on the absolute minimum: Sephardi poskim state that the minimum participation is to light the fire and place the pot on it to cook, while Ashkenazim are satisfied with merely lighting the fire, or even making a slight adjustment to a fire which was already lit by a non-Jew.^[3]

The law applies only to foods which, according to the Talmud, are "fit for a king's table" and are not generally eaten raw.^[3] Foods which would not be served at a state dinner are exempt from *bishul akum*, and are kosher even if cooked totally by non-Jews, provided that all the other requirements of kosher food are met.^[1] Maimonides explains that this prohibition was originally decreed in order to avoid a Jew being invited over by a non-Jew for a meal (which may lead to intermarriage), and people do not invite each other for dinner over food which is not "fit for a King's table" (Maimonides, *Ma'akhalot Asurot* 17:15).

In contemporary observance, the mashgiach, along with supervising food preparation, typically helps start the stove and/or provides other participation in the cooking sufficient to ensure that the rule of *bishul Yisrael* is complied with.^[1]

See also

- [Chalav Yisrael](#)
- [Kosher foods](#)
- [Kosher wine](#)
- [Pas Yisroel](#)

References

Bishul Yisrael

Halakhic texts relating to this article	
<u>Mishnah:</u>	<u>Avodah Zarah</u> 2:6
<u>Babylonian Talmud:</u>	<u>Avodah Zarah</u> 37b
<u>Shulchan Aruch:</u>	<u>Yoreh De'ah</u> 113:7, 113:16, and 118:12
<u>Other rabbinic codes:</u>	<u>Yabia Omer</u> , Vol. 5, <u>responsa</u> 20:7 and <u>Igros Moshe</u> Vol. 1,61

1. Heinemann, Moshe. "Food fit for a king: Reviewing the Laws of Bishul Akum & Bishul Yisroel" (<http://www.star-k.org/articles/articles/1182/food-fit-for-a-king-reviewing-the-laws-of-bishul-akum-bishul-yisroel/>). Star-K. Retrieved April 27, 2018.
2. "Keeping Kosher in a Non-Kosher World" (<https://archive.is/20080509064023/http://www.shemayisrael.co.il/j/keepingkosher/chap1.html>). [www.shemayisrael.co.il](http://www.shemayisrael.co.il/j/keepingkosher/chap1.html). Archived from the original (<http://www.shemayisrael.co.il/j/keepingkosher/chap1.html>) on May 9, 2008. Retrieved May 15, 2008.
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4. Luban, Yaakov. "Playing with Fire" (<https://oukosher.org/blog/consumer-kosher/playing-with-fire/>). Orthodox Union. Retrieved April 27, 2018.
5. Posner, Menachem. "Is a non-Jewish housekeeper permitted to turn on the oven or stove?" (http://www.chabad.org/library/article_cdo/aid/475726/jewish/Is-a-non-Jew-permitted-to-turn-on-the-oven.htm). Chabad.org. Retrieved April 27, 2018.

External links

- [OUKosher.org: Aish M'aish: Bishul Yisroel](http://www.oukosher.org/blog/kosher-professionals/aish-maish-bishul-yisroel/) (<http://www.oukosher.org/blog/kosher-professionals/aish-maish-bishul-yisroel/>)

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Electricity on Shabbat

By Aryeh Citron

On Shabbat, *melachah*, "work," is prohibited. Our Sages explain that *melachah* refers to the activities which were necessary for construction of the Tabernacle, 39 types of work in all. Although there are thus many activities that are forbidden on Shabbat by Torah law, the Torah explicitly states only one of them.¹ This is the prohibition of igniting a fire: "You shall not ignite a fire in any of your dwelling places on the day of Shabbat."²

There are varying opinions as to why the Torah singles this prohibition out. Some say³ that the Torah spells out this prohibition because kindling a fire is necessary for cooking and food preparation, and the Torah wishes to specify that even these types of work – which are permissible on holidays⁴ – are forbidden on Shabbat. The Sages of the Talmud⁵ derive additional shades of meaning from this verse.



In addition to actually kindling a fire, the prohibition against "igniting" also includes:

- Driving a car (which involves combustion).
- Turning on a light switch (since the light bulb gives out both light and heat, it is halachically considered "fire"⁶).
- Opening a refrigerator or car door if this causes a light to go on.

Electrical Appliances on Shabbat

There are many appliances whose use is forbidden irrespective of the fact that they are powered by electricity, simply because they perform functions that are forbidden on Shabbat. For example:

Some say that turning on the appliance is akin to building

- Stoves and microwave ovens involve the *melachah* of cooking/baking. It is therefore forbidden to turn on or adjust the temperature of these appliances.⁷
- Turning off a light bulb is considered *mechabeḥ* ("extinguishing").
- Running the hot water tap is forbidden on Shabbat as this causes cold water to enter the hot water tank, and this water is in turn heated by the hot water that is already in the tank.⁸ This

is considered cooking.

- Operating a printer would involve the *melachah* of *koteiv* ("writing").

It is also forbidden to operate appliances that require electricity even though they do not involve any specific type of *melachah*. Some examples are electric fans, clocks, or CD players.⁹ The operation of these electrical appliances is forbidden on Shabbat.

Although the halachic authorities concur that electricity per se is not considered fire (though some say that if completing the circuit will emit sparks, it is considered "igniting"¹⁰), it is nevertheless universally agreed upon that one may not operate electrical appliances on Shabbat. There are various reasons offered for this.¹¹

Building

Some say that turning on the appliance, which means completing the electric circuit, is akin to building. An appliance that is connected to a wall socket is considered "built" into the house. One that is battery-operated, when turned on, is considered to be "built" as a completed appliance. Building on Shabbat is a Torah prohibition. According to this opinion, operating electric appliances would be a Torah violation.¹²

Creation

Some say that operating electrical appliances is a violation of the Rabbinic prohibition of *molid*—creating. Although creating is not a subcategory of any of the 39 forbidden types of work, it was forbidden by the Rabbis because the act of creation is actually the common denominator of them all.

(This prohibition is mentioned concerning the melting of ice which "creates" water¹³ as well as concerning the use of perfume on Shabbat, which "creates" a fragrance.¹⁴)

One who completes an electric circuit is "creating" that circuit. This is a significant act of creation as this circuit can be utilized to operate various appliances.¹⁵

(There are various halachic differences between activities that are forbidden by the Torah versus Rabbinic decree. See, for example, [The Myth of the Shabbat Goy](#).)

Exceptions

If an electrical device was turned on before Shabbat, one may or may not be permitted to make use of it on Shabbat. Certain conditions may apply. Several examples are:

One who completes an electric circuit is "creating" that circuit

- If one boiled the water in an electric urn before Shabbat, most authorities permit using it on Shabbat. Some say that if draining the water completely would break the appliance, it may not be used, as one might forget and add water to prevent

this from happening.¹⁶ (In any case, when making coffee or tea, one must be careful to follow the rules of not cooking on Shabbat. See Keli Rishon, Sheini and Shlishi.)

- One may use an electric stove or oven to keep food warm provided that the rules of covering the flame, etc., are being followed.¹⁷ (See The Laws of Shehiya.)
- It may be permissible to enter certain elevators on Shabbat.¹⁸ This might be permitted if:
 - a) The elevator was programmed before Shabbat to stop at each floor.
 - b) Entering it will not cause a closing door to open.

Some authorities permit this in only in a hydraulic elevator, while others permit it even in an elevator with a pulley system; in an elevator with a pulley system, some permit using the elevator to go up but not to go down.

Please note that many modern elevators have a built-in scale which automatically weighs the passengers as they enter. I have heard from Rabbi Levi Yitzchak Halperin, the head of The Institute for Science and Halacha in Jerusalem, that such an elevator may not be used on Shabbat.

For the above reasons, it is not sufficient to program a regular elevator to simply stop at every floor to enable its use on Shabbat. Rather, one must find out the specifics of the elevator and discuss its use with a competent halachic authority.

(Some authorities maintain that one may not use elevators under any circumstances.¹⁹)

- One who needs a hearing aid may use it on Shabbat, provided that he leaves it on from before Shabbat.²⁰ There are different opinions regarding whether it is permitted to walk outside while wearing a hearing aid in a place that doesn't have an *eruv*.²¹
- The use of a microphone is forbidden on Shabbat or Yom Tov, even if it was left on from before Shabbat.²²
- In cases of need, if there is no other entrance to a building that one must enter, one may follow a gentile through an electric door if this will not cause the door to reopen. He should not ask the gentile to do this for him.²³

FOOTNOTES

1. There are various other allusions to forbidden types of work on Shabbat: a) Exodus 16:23, cooking and baking. b) Ibid., 29 – Maimonides (Laws of Shabbat 27:1) maintains that this verse forbids walking out of the *techum Shabbat*, the

"boundary of Shabbat." c) Ibid., 34:21, plowing and reaping – see Talmud, Rosh Hashanah 9a, that some say this verse is referring to Shabbat. d) Ibid., 36:6 – see Talmud, Shabbat 96b that this is referring to carrying. e) See Numbers 15:32

regarding the *mekoshesh*. There are various opinions as to the type of work he did. See Talmud, *ibid.*, 96b, where some say he was gathering, and others say he was plucking or carrying.

2. Exodus 35:3.
3. Nachmanides, *ad loc.*
4. See Exodus 12:16.
5. Talmud, *Shabbat* 70a.
6. Achiezer vol. 3, 60.
7. See *Igrot Moshe*, *Orach Chaim* vol. 3, 52.
8. See *Shmirat Shabbat Kehilchato*, vol. 1, 1 39-44.
9. Many of these appliances have lights on them. In this case operating them might also involve igniting as explained above.
10. See *ibid.*
11. See above that it may be considered "igniting" due to the sparks emitted.

For a more detailed exposition of this subject, please see "Halacha, Medical Science & Technology" by Rabbi Faitel Levin, *Moznayim* 1987.

12. See *Chazon Ish*, *Orach Chaim* 50, 9.
13. See *Talmud*, *Shabbat* 51b and *Rashi d.h. Kedei, Shulchan Aruch HaRav*, *Orach Chaim* 320:16.
14. See *Shulchan Aruch HaRav*, *ibid.*, 511:7.
15. See sources quoted in *Encyclopedia Talmudit* entry *Chashmal*, and in *The Thirty-Nine Melachos*, vol. 4, page 862, note 21a.
16. *Shmirat Shabbat KeHilchato*, vol. 1, 1, 40.
17. See *Code of Jewish Law*, *Orach Chaim* 253.
18. See *The Thirty-Nine Melachos*, *ibid.*, pgs. 1210-1213.
19. *Igrot Moshe*, *Orach Chaim* vol. 2, 95.
20. *Shmirat Shabbat Kehilchato*, vol. 1, 34, 28.
21. *Ibid.*
22. *Shmirat Shabbat Kehilchato*, vol. 1, 28, 34. See also *The Thirty-Nine Melachos*, pg. 880, notes 169b and 169c.
23. *Ibid.*, pg. 1214.

By Aryeh Citron

Rabbi Aryeh Citron was educated in Chabad yeshivahs in Los Angeles, New York, Israel and Australia. He was the Rosh Kollel of The Shul of Bal Harbour, Florida, and is now an adult Torah teacher in Surfside, Florida. He teaches classes on Talmud, Chassidism, Jewish history and contemporary Jewish law.

GET UP TO \$2000 BACK on Select Smarter Cooking Packages from GE Profile

EXPLANATION OF THE SABBATH MODE FEATURE

The observance of the Sabbath and religious holidays in Judaism requires a restriction on certain activities during holy times. Jewish religious laws can apply to the use of appliances during the Sabbath (for example, the oven cannot be turned on or off). GE Appliances has worked with third party kosher certification agencies, like Star-K, to develop Sabbath Mode features for many GE Appliances.

Models that have Sabbath Mode features will have instructions in the Owner's Manual on how to activate and use this feature. Check the individual model's Owner's Manual for specific usage information. [Download a copy of the Owner's Manual.](#)

Cooking Products:

When the Sabbath Mode feature is activated, the oven will no longer turn off automatically while cooking after 12 hours and the control display will not show the time, temperature or a selected oven function until the Sabbath Mode feature is manually deactivated.

For additional information:

[Range & Wall Oven - Sabbath Mode](#)

[Double Wall Oven - Sabbath Mode](#)

[Range Warming Drawer - Automatic Shut-Off/Sabbath Mode](#)

For enhanced features to make your range even more Shabbos compliant, consider the Shabbos Keeper for Ovens. The Shabbos Keeper for Ovens is an easy-to-install device that automatically sets your compatible Free-Standing or Slide-In, gas or electric range to Shabbos Mode each week.

Refrigeration Products:

Refrigerators with a Sabbath Mode feature will put the refrigerator in a timed defrost mode and turn off the icemaker, dispenser and control touch screens. The interior lights are not affected by opening or closing the door. For enhanced features to make your refrigerator even more Shabbos compliant, consider the Shabbos Keeper.

The Shabbos Keeper is an easy-to-install device that automatically sets your compatible French-Door, Bottom-Freezer or Side-by-Side style refrigerator to Shabbos Mode each week and sets it back to the weekday mode after Shabbos and Yom Tov. [View Compatible Models](#)

- When using the Shabbos Keeper, the compressor, defrost cycle, interior lights, sensors, etcetera, are automated by the device rather than operating based on input from the refrigerator owner.
- For more information about the benefits to using the Shabbos Keeper, as well as a comparison to the standard refrigerator Sabbath Mode, visit: [The Shabbos Keeper](#). You'll also find product specifications and instructions.
- [Order the Shabbos Keeper Online](#)

Feedback

For additional Sabbath Mode information:

[Monogram Bar Refrigerator/Wine Reserve/Beverage Center - Sabbath Mode](#)

[Monogram 30" Integrated Bottom Freezer Refrigerator - Sabbath Mode](#)

[Bottom Freezer Refrigerator - Setting Sabbath Mode](#)

Dishwashers:

Some dishwashers do have a Sabbath Mode feature. Models with electronic controls may have a Door Wake Up Mode that can be turned off so that the control display, control sounds and interior lights (on some models) will not respond to the door opening/closing. This is the Sabbath Mode for

Check the individual model's Owner's Manual for this feature. [Download a copy of the Owner's Manual.](#)

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WIKIPEDIA

Shabbos goy

A **Shabbos goy**, **Shabbat goy** or **Shabbes goy** (Yiddish: שבת גוי, *shabbos goy*; Hebrew: גוי של שבת, *goy shel shabat*) is a non-Jew employed by Jewish people to perform for them certain types of work (*melakha*) that Jewish religious law (*halakha*) prohibits a Jew from doing on the Sabbath.

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Term

The term is a combination of the word "Shabbos" (שבת) meaning the Sabbath day of rest, and *goy*, which literally means "a nation" but colloquially means a "non-Jew" (in Biblical Hebrew "goy" means simply "a nation", but in Mishnaic Hebrew it is used in the sense of "international", i.e., "a non-Jew").

Description

A *shabbos goy* is a non-Jew who performs certain activities which Jewish religious law (*halakha*) prohibits a Jew from doing on the Sabbath.

There are numerous restrictions^[1] and certain types of work are prohibited, such as contractor work.^[2] The rabbis ruled that asking a non-Jew to violate Shabbat for oneself is generally forbidden,^[3] but under certain circumstances the rabbis allowed it, especially to heat the oven on winter days in northern countries.^[4] A *shabbos goy* is not needed where life is at stake (*pikuach nefesh*) or in the case where there would be a reasonable chance of danger to life (*safek pikuach nefesh*).

Originally, the job of the *shabbos goy* was often given to a poor woman, and the compensation was in the form of *challah*; later, money was given,^[4] although not on Shabbat or not directly given to the worker, due to halakhic restrictions on hiring workers on Shabbat.

According to Ronald J. Eisenberg, "Today the proliferation of electronic timers has virtually eliminated the need for the *Shabbos goy*, who once played an important role, especially in the *shtetls* of Eastern Europe."^[5]

Notable examples

Notable examples include Maxim Gorky,^[4] Floyd B. Olson,^{[6][7]} Harry S. Truman,^{[8][9][10]} Peter Hammill,^[11] Colin Powell,^{[11][12][13]} Mario Cuomo,^[13] Martin Scorsese,^[11] Ralph Branca (who did not know at the time that he was Jewish),^[14] Tom Jones,^[15] and the adolescent Elvis Presley,^{[11][16]} all of whom assisted their Jewish neighbors in this way. Barack Obama^[17] while in the Illinois senate, had a Jewish office neighbor, who told him what he could do.

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2. "May One Allow a Non-Jewish Contractor to Build on Shabbat?" (<http://www.dailyhalacha.com/m/halacha.aspx?id=1604>). www.dailyhalacha.com.
3. Babylonian Talmud, Shabbat 150a
4.  Jacobs, Joseph; Eisenstein, Judah David (1906). "SHABBAT GOY" (<http://www.jewishencyclopedia.com/articles/13467-shabbat-goy>). In Singer, Isidore; et al. (eds.). The Jewish Encyclopedia. New York: Funk & Wagnalls. p. 216. Retrieved 2019-08-12.
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